



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1706 of 2021

1. Murugan
2. Arumugam
3. Vijayaraja

... Petitioners/Accused No.1 to 3

Vs

State rep by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.23 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Anandakumar.J,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PRAYER :-

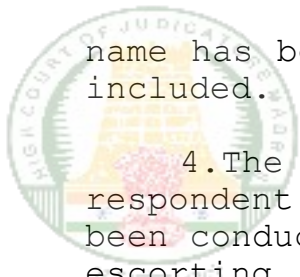
For Anticipatory Bail in Crime No.23 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioners submit that the petitioners are falsely implicated in this case, since the petitioners belongs to different political party and they participated in the agitation against the Government. He further submitted that the first and second petitioners are brothers and the third and fourth petitioners are sons of the first petitioner. Even according to the First Information Report, it is stated that nobody was present in the scene of occurrence and how the petitioners' name have been found place in the First Information Report. He further submitted that in the alteration report, the fourth petitioner's



name has been deleted and in his place one Panjakumar name has been included.

4.The learned Government Advocate (Criminal side) for the respondent would submit that in this case, a fair investigation has been conducted and two of the petitioners had come in the Motor bike escorting Tractor, which was transporting the river sand from the river bed. Thereafter, they escaped from the scene of occurrence and on enquiry, the petitioners presence involved in this case and hence, a case has been registered and the investigation is done in a fair manner, one Panchakumar, involved in this case and that is the reason, the name of A-4 has been deleted in the First Information Report. The river sand, Tractor and Two wheeler has been seized by the police. He further submit that A-1 is having seven previous cases, out of which, five cases are sand theft, A-2 is having four previous cases, out of which, three cases are sand theft and A-3 is having no previous case.

5.In view of the above, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition stands dismissed.

sd/-
09.02.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1706 of 2021
Date : 09/02/2021